

# Law Enforcement News

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## What does it all mean?

NJ study underscores difficulty of analyzing traffic-stop data

With a true benchmark yet to be established for analyzing the data collected from traffic stops in countless jurisdictions nationwide, such information continues to be open to interpretation by police, social scientists, policy makers and government agencies — in short, anyone with a vested interest in some aspect of the racial profiling issue.

Federal and state authorities in New Jersey were rattled last month when a study commissioned by the office of former state attorney general John Farmer found that black drivers tended to speed more than whites on a certain section of the New Jersey Turnpike. Officials of the state troopers' union officials hailed the finding as proof that reports of biased policing were vastly

exaggerated by journalists and civil rights advocates, but U.S. Justice Department officials challenged the conclusions, claiming that the methodology used was faulty. Researchers, meanwhile, while not necessarily agreeing that the conclusion vindicated police, nonetheless found the methods used to analyze the data to be superior to many current practices.

### Worth a Thousand Words?

The study, "Speed Violation Survey of the New Jersey Turnpike," concluded that African Americans make up 16 percent of drivers on the turnpike, but account for 25 percent of speeders in the 65 m.p.h. zone where racial profiling complaints have been the most common. The findings were based on

matching photographs of nearly 39,000 drivers that were taken with specially designed radar-guns cameras between March 31 and June 30 of last year.

Teams of three evaluators determined the drivers' race and gender from the photographs without knowing which ones were speeders. An analysis of 26,334 drivers — those whose race at least two evaluators agreed on — found that at higher speeds, the disparity between blacks and whites widened. Some 2.7 percent of black drivers were identified as speeders, as compared with 1.4 percent of white drivers. The disparity was even greater among those going faster than 90, the study said.

For purposes of the study, speeding was defined as exceeding the speed limit by 15 miles per hour.

The findings were not replicated in the 55-mile per hour zones, however. "There, no statistically reliable difference was found between white and black drivers," said the survey, which was conducted by the Public Services Research Institute, a division of the Pacific Institute for Research and Evaluation (PIRE). "Hispanic and drivers classified as 'other' were, however, less likely to be speeders than white drivers," the study said.

Young drivers were more likely to be speeders, but there was no difference between men and women. One possible explanation offered by the study is that there are higher proportions of young or male drivers among the minority motorists. A study conducted by the

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## LA officials hope the math adds up with new flexible work schedule

The changeover to a new flexible work schedule for Los Angeles police officers that combines three 12-hour days and four 10-hour days will be completed citywide in May, but it will come with an annual \$4.3-million price tag and little assurance that it will reduce overtime and sick leave, according to a consulting team hired by city officials.

Instead of working five days a week, patrol officers and, later, investigators and community relations officers will work three- and four-day weeks. The schedule, approved by the City Council last November, was the fulfillment of a campaign pledge made to the 9,000-member Police Protective League, which supported Mayor James Hahn's successful bid for office. As of April, four divisions had switched over

to the new hours.

Mitzi Grasso, the PPL's president, favors the change because she says it gives officers a great deal more time with their families. Studies show officers on a compressed work schedule have better morale and home lives, Grasso told Law Enforcement News. She dismissed as untrue critics' charges about additional cost and other drawbacks. If the plan were to be implemented as it was intended, she said, it would produce the type of savings and provide the coverage that Hahn has promised.

Although the mayor's office has not as yet produced an exact forecast, that assertion is based on what has already been happening in the four divisions where the schedule has been implemented — Hollywood, Central, the

South Bureau and the Valley Bureau, said Julie Wong, a spokeswoman for Hahn. During a two-year pilot program launched in five divisions in 1995, \$24 million was saved, she said.

But the main goal is to improve the retention of officers, as well as public safety and recruitment efforts, said Wong.

"The problem we have is the current [LAPD] administration is not supportive of it, it is something they were forced to implement by the mayor's office," she told Law Enforcement News. "They are not following the schedule in good faith and if it was implemented the way the Police Commission and the mayor's office requested, I think it would result in better deployment."

It has been a fight, said Grasso, with

police brass refusing to come back to the table to try and resolve the issues. "I think in time we're going to be able to resolve the issues and make it a more cost-effective program for the residents," she said.

According to Police Management Advisors, a Carlsbad, Calif.-based firm, the schedule change will boost recruitment and morale. Officers already on the schedule have given it positive reviews, according to a \$150,000 study released just days before the first round of implementation in November.

The study found that 36 percent of law-enforcement agencies nationwide used some type of compressed schedule, but only two of 11 major departments used the three-day, 12-hour schedule and none used it for the entire

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### A new shoulder to lean on:

## Tactical officers get help from those who've been there

Tactical officers traumatized by the death or severe injury of a colleague will now be able to talk about their distress with those who might best understand it — other SWAT officers — through a new initiative launched this year by the National Tactical Officers Association.

The Critical Incident Response Team (CIRT) is one of a number of projects developed as part of the organization's "Safe Today, Alive Tomorrow" program. It is the first stress management program to be provided free of charge to tactical officers anywhere in the country, and the first to be managed exclusively by tactical team members, said Larry Glick, executive director of the NTOA.

"While many police departments have a critical incident stress management program in place, and numerous

organizations serve civilians, the NTOA recognized the need for a national support effort managed exclusively by SWAT-experienced officers to help other officers," he said.

According to Dr. Rebecca Aadland, a police psychologist and CIRT's project manager, shock and disbelief are the initial reactions experienced by surviving officers and widowed spouses. Then the anger, fear and guilt set in. That is when a program such as CIRT can be the most valuable.

"It can give officers and spouses a chance to understand what they are feeling and a sense of how to cope," she said.

When survivors do not deal with their emotions, said Aadland, symptoms such as sleeplessness, nightmares, depression and heightened anxiety can develop. There may be a tendency to

self-medicate with alcohol. "They might leave a career in law enforcement entirely," she said. "The most tragic consequence of exposure to a critical incident is when an officer commits suicide."

CIRT was deployed in February to the Scottsdale, Ariz., Police Department after a SWAT-training exercise killed a 25-year veteran and injured 11 others. Sgt. Thomas A. Hontz, 45, was the first member of the Scottsdale department to die in the line of duty.

Investigators believe that excessive pressure caused a device called a "gas ax" to explode. Used to make a hole in a wall of a room where a suspect is barricaded, it emits a debilitating gas that gives police a chance to enter safely. The exercise on Feb. 20 was intended to simulate either a hostage situation or a forced warrant search.

The CIRT program is being sponsored by the NTOA's Memorial and Scholarship Foundation, an initiative that provides financial relief to the families of fallen law enforcement officers, and Spectra Technologies, a subsidiary of Honeywell that manufactures Spectra, a fiber used in bulletproof vests and helmets.

Following a critical incident, a law-enforcement agency or police chief can contact the NTOA directly to request CIRT services. The NTOA may also take the initiative of sending a team out to a department after receiving news of a crisis, or well after the incident has taken place, such as on the first anniversary of an officer's death.

"Trust is an important issue for officers who have lost a colleague; they are more reluctant to go to an 'outsider' for help," said Aadland. "CIRT pro-

vides credibility and a comfort factor, because only officers who have SWAT experience and who are trained in peer support are sent to help fellow officers," she said.

Even before a funeral, Glick can mobilize a CIRT team that includes a psychologist and one or two officers. After consulting with officials, they assess the agency's needs and then conduct a debriefing session which allows the widows or officers to talk about the trauma.

Aadland said the program tells officers and spouses that while they will never be the same again, it does not mean they have to live with the destructive feelings brought on by the incident. "CIRT is there to help you incorporate the incident into your life in a meaningful way and mitigate long-term negative effects."

# Around the Nation

## Northeast



**CONNECTICUT** — A year after the state dismantled its sheriff system, hundreds of badges of former deputies remain unaccounted for. State officials have expressed concern that the badges can be used illegally to gain access to airports, nuclear plants or other sensitive facilities.

**DISTRICT OF COLUMBIA** — A string of gangland-style shootings that authorities believe are related has left four people dead and eight wounded. Although investigators have not said why they think the shootings are related, they have been studying maps at the city's high-tech Joint Operations Command Center to see if they can determine a geographic pattern and make predictions about the next crime location. Despite the technology, police and Mayor Anthony A. Williams are still urging the public to help in the investigation.

**MAINE** — A new ordinance in Portland permits police to impound for 30 days any car driven by chronic violators of the state's drunken driving and traffic laws. The ordinance allows the vehicle's owner to have a hearing at the police station within 24 hours or to appeal through City Hall within 48 hours.

**MASSACHUSETTS** — A study has found that crime labs across the state routinely deny requests from law enforcement and cut corners because they lack staff and money.

A program of physical fitness standards that the state troopers' union agreed to two years ago has been put on hold because commanders don't want to pay overtime for the testing. Commanders say that anti-terrorism assignments have already stretched the department's budget.

**NEW JERSEY** — Seaside Heights Police Officer Edward Lutes killed five people and wounded his police chief, James Costello, before killing himself. On April 9, Lutes first walked into a house across the street from his and killed Dominick Galliano and his wife and 25-year-old son. Last year, Galliano was acquitted of sexual assault and other charges against a member of Lutes's family. Lutes then walked into another neighbor's home and shot Gary and Tina Williams, both of whom had reportedly testified at Galliano's trial. He then drove south to Barnegat Township and shot Costello three times as he came out of his house. After an intensive manhunt, Lutes was found dead in his car with the motor still running.

A handful of senior citizens are participating in Operation Reassurance, a pro-

## MOVING?

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gram launched by Prospect Park police in which senior citizens living alone call in to the police department every morning. If the police don't hear from the person, officers call the person or are dispatched to the resident's home. Participants are also given magnetized refrigerator cards that display their medical history and emergency contact numbers so that responding officers can better decide on a course of action.

In Paterson, police shot the bull recently — the 1,400-pound bull that escaped from a slaughterhouse and ran into the back of a van. The owner of the abattoir shot the bull with a rifle, which only angered it. Two animal control officers fired two tranquilizer darts at it. Police officers then hit the hull with six shotgun blasts but the animal only died when a slaughterhouse employee slashed its throat.

**NEW YORK** — On April 9, Luis Alberto Gomez Gonzalez, who was wanted for fatally stabbing off-duty Bronx police detective Jaime Betancourt, was caught outside a Miami, Fla., hotel. Betancourt was killed when he tried to defend his girlfriend from Gonzalez, who was her ex-lover. The police were alerted by tipsters who saw a broadcast of a surveillance tape that showed him getting off a bus at the Miami depot. When police approached him at his hotel, Gonzalez raised his hands and surrendered.

New York City Mayor Michael Bloomberg is urging changes in pension plans for police and fire personnel to counter a recent sharp increase in the number of early retirements. The current plan bases retirement payouts on the highest salary earned in the last three years. Because of the overtime earned since the September 11 attacks, many police officers and firefighters are finding it desirable to retire now. Bloomberg favors proposed legislation that would base retirement payouts on the highest year's salary regardless of when it is earned, removing one incentive for early retirement.

**PENNSYLVANIA** — State troopers will be reporting the race and ethnicity of motorists they pull over on their new "contact data report" forms. Instead of asking motorists, the troopers will write down their perception of the person's race. The state has received 20 allegations of racial profiling in the past five years. All were deemed unjustified.

Suffering from a ballistics testing backlog of over 1,000 cases, state police are asking local authorities not to send them guns used in minor crimes or suicides. Maj. John Caprilli, director of the state bureau of forensic services, said that the cases won't be refused, but there will be a long wait for results. Although the forensics bureau got a \$7-million boost in its budget over the last three years, ballistics lagged behind because of the 2½-period needed to train examiners.

In Hazelton, 24-year-old Theresa Dawn Keller was jailed for not paying \$120 in late fees on three overdue library books. Keller moved several times since borrowing the books in September 2000 and her most recent address was a halfway house. The director of the Hazelton Public Library, James Reimiller, said of the stern response, "It's the only way some people will return their books."

## Southeast



**ALABAMA** — Jimmy Hutto, 35, a game warden who was shot in the abdomen while helping the Fayette County Sheriff's office serve a warrant in a drug bust, died March 25 from complications of his wound. Hutto had been discharged from the hospital but later developed respiratory problems.

**ARKANSAS** — As part of an effort to cut down on traffic fatalities, a new state law will require that 14- and 15-year-old drivers be accompanied by a licensed driver 21 or older. Previously, drivers age 18 or younger only had to be accompanied by an older driver for the first six months after being licensed.

**FLORIDA** — William Waters Jr., 17, is facing charges of second-degree murder after allegedly kicking Palm Beach County Sheriff's Deputy Donald Lee Schavolt in the chest while resisting arrest. Schavolt, 48, collapsed and later died of a heart attack.

Manatee County Sheriff's Deputies Brandi Smith and Tiffany Graves were given letters of reprimand for flashing their breasts at a bar on St. Patrick's Day, in response to a sign that read "Show your boobs for free beer." Both deputies have written letters of apology to Sheriff Charlie Wells.

The Clearwater Police Department has launched PoliceEmail, a new Internet service that allows residents to sign up to receive special e-mail notices of neighborhood watch meetings, crime trends and alerts. The department can also use PoliceEmail to do its own coverage of events and police services that the mainstream media might ignore.

**GEORGIA** — Former Savannah police officer Joseph Quenga was convicted March 22 of rape, sexual battery, kidnapping and false imprisonment, and sentenced to 15 years in prison without parole. The charges stemmed from a DUI stop of a woman in 2000.

After two men were acquitted March 24 in the December 2000 murder of Derwin Brown, the sheriff-elect of Dekalb County, questions have been raised as to whether the alleged mastermind and chief suspect in the case, former sheriff Sidney Dorsey, would ever be convicted. The case against Melvin Walker and David Ramsey was built entirely on the testimony of two men who jurors said they did not believe. The case against Dorsey is based on the same two witnesses' testimony.

**LOUISIANA** — A Krispy Kreme delivery truck that was stolen from a store parking lot was recovered when Slidell police followed a trail of doughnuts that were tumbling out the back. The truck was abandoned in a driveway and the driver fled on foot into the woods. A passenger, however, was arrested and charged with auto theft and resisting arrest by violence.

**MISSISSIPPI** — A federal grand jury has indicted Lee County sheriff's deputies Jason Stanford and Danny Dillard for allegedly violating the civil rights

of Billy Ray Stone, who fatally shot Sheriff Harold Ray Presley last July. Stone died from two gunshot wounds and head injuries.

**NORTH CAROLINA** — Greensboro police are starring in a new 5½-minute video aimed at teaching citizens how to reduce the risk of having their car broken into. In the video, which is one of a number of projects that Greensboro police have developed to curtail such thefts, officers act out a variety of typical scenarios in which the thefts occur. Lieut. James Hinson came up with the idea for the video, which premiered in late March on a government access cable channel.

**SOUTH CAROLINA** — The state Senate will take up a bill that would make it a felony for prison inmates, detainees or people in custody to throw urine, blood, feces, vomit, saliva or semen on a law enforcement officer. It's already a felony to throw such bodily fluids at a correction officer.

**TENNESSEE** — Two Hernando police officers, Andy Walls and Sgt. Lucky Faulkner, have resigned after staging a high-speed chase involving two other officers. The two unwitting patrol officers, after being contacted by Faulkner and instructed to pursue a motorcycle, chased it at up to 100 mph. The chase ended when the motorcycle, which was driven by Walls, pulled over.

**VIRGINIA** — Following an investigation, Salem police on March 21 arrested deputy U.S. marshal Joseph Bruer Jr., and charged him with possession of cocaine.

**ILLINOIS** — The Springfield Police Department's six-member Major Offenders Unit, which focuses on career criminals and the way they operate, has made 18 arrests, and possibly solved 75 local home burglaries, since it started its work in mid-January. One arrestee is considered a suspect in 45 to 50 of the burglaries.

Stark County Sheriff's Deputy Adam Streicher, 23, was killed on March 22 while serving an arrest warrant. Police say Curtis Thompson, 60, shot Streicher and then drove to a neighbor's house, where he shot and killed James and Janet Giesenhenen. Thompson was later shot at a police roadblock and was hospitalized in serious condition.

The Chicago police are under scrutiny after a lieutenant ordered officers to increase their arrests in a public-housing area. Lieut. Michael Fitzgerald, head of the patrol unit in the Cabrini-Green neighborhood, issued a memo in January directing officers to make at least four arrests a month, but the next day a corrected version of the memo was issued that eliminated a specific number. Tom Peters, a veteran civil rights lawyer, said that type of "outrageous" order "encourages police to violate the rights of citizens." Bill Nolan, head of the local Fraternal Order of Police, called arrest quotas "contrary to everything we've been taught."

Rockford resident John Carroccia was

acquitted on March 26 in the shooting death of Hampshire police Sgt. Gregory Sears — his childhood friend. The murder weapon, a .38-caliber pistol, was never recovered. Defense attorneys tried to implicate Sears' widow, who married Sears just three weeks before his murder.

**INDIANA** — A new policy that bars Muncie police officers from displaying tattoos will keep about 20 officers from wearing short-sleeve shirts this summer. Deputy Police Chief James Peters said he developed the new policy after receiving several complaints from citizens about the "excessive" number of officers with tattoos. Peters said that the department needed "to start acting like policemen and looking like policemen."

**OHIO** — A Licking County grand jury has declined to indict two Newark police officers who were accused of sexually assaulting a woman. The woman, 20, claimed that one officer assaulted her with a tree branch while the other watched. According to hospital records, the woman went to the hospital where a two-inch long piece of wood was removed from her vagina.

The Akron City Council unanimously adopted an ordinance that empowers police to arrest large groups of people for failing to disperse after a lawful order. Currently, failure to disperse is a minor misdemeanor and only results in arrest if coupled with a more serious charge. The new law will probably take effect in early May, in time for the annual University of Akron block parties, which have in the past led to violence between rowdy college students and police. A similar law takes effect this month in Kent.

A local newspaper has learned that Perryville Police Chief Timothy Sommer, who faces possible dismissal after shooting himself in the leg while staging a traffic stop to cover up an earlier accidental shooting, also lied in his interview for the chief's job. The Ashland Times-Gazette reported March 29 that Morrow lied about his reason for resigning from the Morrow County Sheriff's Department in November 1991, about not having a police record, and about never having had his wages garnished. Less than two months after leaving his former position, Morrow was charged with theft in office for using a sheriff's department credit card to buy gasoline for personal use.

**WEST VIRGINIA** — Mark Allan Storey, 37, was charged on March 27 with impersonating a police officer, after weapons and false police identification, including five badges from different departments, were found at his home. Storey attended the funeral of former South Charleston police chief Jim Miller and told officers there he was a West Valley officer. When South Charleston officers called the West Valley department, they learned he had never been employed there.

**WISCONSIN** — Jack R. Patterson, a former state crime laboratory analyst, has pleaded guilty to three counts of misconduct in office. Patterson lied on reports in which he claimed to have had done more thorough examinations. A re-examination of 210 cases in which Patterson handled evidence found 345 fingerprints, 31 palm prints and 34 impressions that he missed.

# Around the Nation



## Plains States

**MINNESOTA** — The Minneapolis City Council voted 7-6 on March 22 against giving subpoena power to the Civilian Police Review Authority. Opponents said they wanted to wait until the new panel is set up before deciding whether to grant it that authority.

On March 20, Minneapolis police seized 180 pounds of khat, a narcotic leaf usually grown and used in Africa, and arrested four people in raids on a Somali restaurant and an apartment.

**MISSOURI** — A multi-agency investigation into racially motivated and threatening letters received by a 12-year-old black girl in West Plains ended when she admitted to writing the letters herself. The girl said that she wrote the letters because she didn't think the school did anything after she expressed concerns that she had been subjected to racial discrimination.

The state House has given initial approval to a bill that expands the state's list of hate crimes and increases the penalties for individuals found guilty of such crimes. Under the measure, a conviction for first- or second-degree arson would result in a 15-year prison term if it is proved that a church was burned for reasons of bias.

A convicted drug user will be getting more than \$34,000 from the Kansas City police, after the state supreme court refused to hear an appeal. Lower courts had ruled that the police must repay money seized from Vincent Karpierz in a 1998 raid, plus interest. The courts found that the police illegally transferred the money to federal authorities, then got part of the money back. Under state law, the money should have gone to public education.

**NEBRASKA** — Police in central Nebraska are crediting the work of a multi-agency task force for the rise in drug arrests. In 2001, 147 arrests were made in the 24 counties covered by the task force, up from 119 in 2000 and 77 the year before. Law enforcement officials began working together in Hall, Adams and Buffalo counties in 1991. Since then, Grand Island, Hastings and Kearney police have joined the task force, along with the three counties' sheriff departments, the State Patrol and several federal agencies.

Omaha police have removed shotgun racks from the ceilings of squad cars, after 58 officers reported hitting their heads on them. The gun racks, which were originally moved from the floor to the ceiling to make room for laptop computers, will now be put in the vehicles' trunks.

The state supreme court ruled March 29 that Omaha police broke the law by placing false magazine advertisements and exchanging letters with Ronald Canaday, who was later arrested in a sting. Canaday responded to an ad in a swingers' magazine and then exchanged several letters with Officer Steve Henthorn, who was posing as "Lisa," a single mother who placed the

ad. Canaday arranged to meet Lisa at a hotel room where he was arrested. He was later convicted of conspiracy to commit sexual assault on a child. The court said that Canaday was entrapped.

**NORTH DAKOTA** — Law enforcement officials across the state have shut down 56 meth labs so far this year, compared to 19 at the same time last year. Officials say that they're getting more tips from the public as a result of an education campaign.

**SOUTH DAKOTA** — An anti-racial profiling bill has been tabled by a 12-1 vote in a House committee. The bill would have required police to track the race of motorists stopped in the state.



**ARIZONA** — Oberlin Cabanas-Salgado, the last of three men charged in the 1999 shooting death of Phoenix police officer Marc Atkinson, was convicted of first-degree murder on March 29. Atkinson was killed when the car he was following during a drug investigation stopped and its occupants got out and shot him. Two other men, Felipe Petrona-Cabanillas and Fredi Flores-Zavada were previously convicted and sentenced to life in prison.

A stakeout by Mesa police to catch the so-called "Dorito Bandit," Jack Brown, ended successfully following a high-speed chase on March 25. Police caught the bandit, who got his nickname from his practice of having bank tellers place money in empty chip bags, because of his predictable routine. Brown would target banks in supermarkets during specific hours. If he got more than \$2,000, he would wait two weeks. If he got less, he'd go back in a week.

In a 2-1 decision, the state court of appeals ruled that police may sometimes withhold actual 911 tapes and instead release only transcripts. The court maintained that legitimate private interests, like family members who say it would be too painful to hear such a recording on TV, outweigh the fact that the tapes are public records. The ruling came in the case of a Mesa babysitter who later pleaded guilty to charges of abusing the 16-month-old baby in her care.

Complaints against some police departments in the Phoenix area have dropped sharply in the past few years, and officials are attributing the change to national accreditation. In Gilbert, complaints against police are down 54 percent since the agency won accreditation in 1999. Accredited police departments are required to investigate all complaints, and must have written investigative procedures and rules for complainant notification, records maintenance and public availability.

**COLORADO** — A panel of judges is considering whether or not to throw out hundreds of drunken driving cases, after the discovery of a broken breathalyzer at the Denver Police Department. Capt. Gary Leuthauser, who oversees the police DUI room, said at a hearing that no cases were jeopardized. However, defense attorneys are

arguing that the fact that the problem was kept from defendants is enough to warrant dismissal of the cases. Between the machine's last health department inspection on April 13, 2001, and the discovery of the malfunction by police on July 9, there were 362 cases based on results from the machine.

Former Kiowa police chief William R. Lynch pleaded guilty March 19 to a misdemeanor charge of reckless endangerment and was fined \$500 and ordered to perform 100 hours of public service, for pointing his gun at fellow officers in jest. He also had to forfeit his service pistol, and complete a firearms safety course while on a year's probation. Lynch resigned after the January incident, leaving the department with only the complaining officer and two reserve officers.

**NEW MEXICO** — Albuquerque Mayor Martin Chavez announced a new Internet service that lets citizens access the same crime information available to the police department. By visiting the Web site, residents can compile statistics by street, block, neighborhood or city. It is hoped that the new system will enable neighborhood associations to work better with the police.

In a ruling issued on March 27, the state Supreme Court said the state is shielded from being sued by individuals seeking back wages and damages under the federal Fair Labor Standards Act. The court threw out a claim by 270 current and former state police, citing a 1999 Supreme Court decision that said states' sovereign immunity barred a group of Maine probation officers from suing for overtime wages and damages in state court. The New Mexico lawsuit was originally brought in 1996 against the Department of Public Safety, which the officers say wrongly gave them compensatory time off instead of time-and-a-half pay guaranteed by federal law.

**OKLAHOMA** — Haskell County Sheriff Manual Ballard is short about \$56,000 to carry his agency until the end of the fiscal year on June 30, forcing him to lay off four deputies and the undersheriff. Although reserves and volunteers have stepped up to help, criminals have apparently stepped up their own efforts, too, to capitalize on the staffing shortage. The shortage appears to have aided the local drug trade, with one reserve officer saying that informants have reported the start-up of six new drug labs in recent weeks.

In Broken Arrow, police posing as construction workers have nabbed 58 drivers for exceeding the posted 25-mph limit in work zones. The undercover officers timed passing cars with a laser and then radioed to uniformed officers, who pulled over the offenders to ticket them. Traffic fines are doubled in construction zones, where the odds of an accident occurring are higher because of workers' proximity to the traffic.

**TEXAS** — Gov. Rick Perry issued a 30-day reprieve for condemned killer Rodolfo Hernandez, after he gave San Antonio police information about an unsolved murder. A San Antonio police spokeswoman said the stay of execution was expected to be enough time for the department to try to match Hernandez's statements with unsolved cases. Hernandez had been scheduled to die by lethal injection on March 21

for robbing and shooting five undocumented immigrants in 1985. One of the victims later died from his wounds.

Corpus Christi City Manager David Garcia has told the City Council that if voters next November refuse to renew the sales tax that funds the Crime Control and Prevention District, the city would lose 50 police officers. The police department has used the \$3.5 million gained annually from the tax to hire 40 officers and 25 civilian employees. Police Comdr. Bryan Smith said that losing the officers would be a setback to the city's progress in community policing.



**CALIFORNIA** — In a state supreme court ruling on March 28, law enforcement agencies won a limited right to conceal from probationary officers information gathered about them during employment background investigations. The case began when Xavier Madrigal sued Riverside County officials after they refused to let him view an investigation file that contained allegations against him concerning "sexual relations with a prostitute, extortion of a pornographic videotape, and use of illegal drugs." Madrigal had signed a waiver of his right to see his file, but then argued that the refusal violated the police Bill of Rights Act. Although the court held law enforcement agencies cannot subject prospective employees to a blanket waiver of their rights, the majority ruled that a waiver limited to an investigation of matters that arose prior to employment could be enforceable.

Los Angeles County sheriff's deputies have begun logging calls in communities adjoining Santa Clarita after some supervisors found inequities in levels of police service. The information will be used in monthly reports that detail crimes, calls for service and response times. Santa Clarita, like other contract cities, pays for the level of service it wants, but other communities in the sheriff's jurisdiction want comparable benefits.

The Merced County Sheriff's Department seized a computer belonging to retired Santa Clara County sheriff's deputy John Hogan as part of an investigation into a murder-suicide. Hogan broke into his ex-wife's house on March 26 and killed his 5-year-old daughter and three teenage stepchildren and then himself. Describing a computer-printed letter written by Hogan to the children's mother, Sheriff Gary Carlson said it was "a scathing letter from a scorned man."

The police in the San Francisco suburb of Pleasanton have joined their colleagues in numerous other cities by enlisting the help of residents to crack down on traffic offenders. The volunteers are loaned radar guns to spot speeders, and they turn their findings over to police, who then send a letter to violators. No one is ticketed because the offender may not be the registered owner of the car. The enthusiasm of many civic-minded volunteers often wanes when they discover how tedious

the work can be. Said one resident, "You realize why the police hate radar duty — it's boring."

A 14-year veteran of the San Bernardino Police Department, Ronald VanRossum, was arrested March 28 and charged with sexually assaulting 11 women while on duty. Between April 2000 and November 2001, VanRossum, a 37-year-old married father of two, allegedly assaulted the women after threatening them with arrest.

Ex-Alhambra police officer Benny Marquez was arrested April 12 on federal charges of violating a woman's civil rights by sexually assaulting her while he was on duty. Marquez was fired by the police department following an internal affairs investigation into the allegations. Marquez allegedly contacted the victim at a traffic stop and told her that she could either be his friend or receive several traffic tickets. He then allegedly fondled the woman before resuming his patrol functions. The next day he went to her residence and sexually assaulted her. Under federal law, Marquez could face up to life in prison if convicted.

The Modoc County school board voted 4-0 on April 10 to bar random drug testing at its high school, after libertarians argued that a proposal for testing might violate students' rights.

**HAWAII** — The Honolulu Police Department has switched to an all-digital communication system. The department had switched to a \$19.7-million Ericsson system in 1998, but technical glitches prevented completion of the conversion. Since then, the city has spent or allocated an additional \$14 million to improve the system.

**IDAHO** — The first attempt to switch the Nez Perce County emergency dispatch to an enhanced 911 system failed in late March. The old 911 system remains in place and the switch to the new system will not be made until emergency service can be guaranteed without interruption.

**OREGON** — King City Police Chief Jim Brooks was fired without severance pay on March 12, after a state investigation revealed that he used multiple identities to cover up 30 years of past job firings and criminal charges. He allegedly used 12 variations of his name, nine Social Security numbers, six birth dates and five birthplaces. Brooks, whose lawyers say he is the victim of a witch hunt, has been on sick leave since he was confronted with the investigation's findings in February. A state public safety board will determine whether Brooks should keep his certification as a police officer.

**WASHINGTON** — Lakewood city officials will not renew a business license for the owner of an apartment complex who rents to sex offenders. Because 22 sex offenders live at the complex, it qualifies as a group home, violating the zoning code.

Gov. Gary Locke signed a bill on April 2 that will reduce prison sentences for first-time nonviolent drug and property offenders. The money saved on prison costs will go to addiction drug treatment programs, with about 75 percent going to county drug courts and court-supervised treatment programs.

# People & Places

## Blood ties

While there would seem little that a Wyoming lawman and a convicted criminal serving a life sentence could have in common, Stephen Watt and Mark Farnham share a friendship that was forged in blood — each other's.

On March 18, 1982, Farnham shot Watt five times. Deeply in debt after drug dealing and other misadventures, Farnham had just robbed the Alpine Savings and Loan in Craig, Colo. Watt, who was then a Wyoming Highway Patrol officer, had pulled over Farnham's brown compact to ask him if he had seen a red sports car, the vehicle described as the getaway car.

"I wasn't particularly cautious or tense or anything," said Watt. "I didn't have my gun out. I hate to use the term 'routine traffic stop,' but that's what it was."

But Farnham believed he had been caught. Once he had "crossed one line," crossing the second became easier, he said. "Something unthinkable became thinkable."

Without waiting for Watt to come to a full stop, Farnham began shooting, hitting Watt once in the eye, and four times in the back and side. As the assailant took off, Watt fired back, hitting Farnham in the shoulder. Then he collapsed alongside his cruiser. Ironically, he had changed his schedule that day in order to attend the funeral of a colleague's son.

So began the story of an unusual bond.

Watt, 46, is now a drug education



Stephen Watt

officer with the Sweetwater County, Wyo., Sheriff's Office and a state representative. He recently launched a bid for the governorship. Farnham, now 44, remains confined to the Wyoming State Penitentiary in Rawlins, where he is serving a 55- to 65-year sentence. Because of an earlier escape attempt, he is ineligible for parole. His only way out before 2037 would be a governor's commutation of his sentence.

If elected, Watt said, he would probably release the man who shot him. "I would look at his records, his file," he said. "Based on what I see there, I would make a decision whether he should be released or not — just like with anybody else. Based on what I know, I'd probably release him."

Said Farnham: "I'm lucky to have Steve for a friend. The greatest thing [that could] happen for the State of Wyoming is to have Steve for the governor."

Watt was only 26 when the shooting happened and had been married just six months. Before the incident, he had been a mean son of a bitch, he told The Jackson Hole News. The attack just made him worse.

"I was not a very nice person," he said. "A lot of it was my age. I grew up respecting cops. In Rock Springs [Wyo.], I rapidly developed an attitude there's two kinds of people — us cops and you dirtballs."

After nearly shooting someone whose weapon turned out to be a billfold, Watt realized the pressure of the job was consuming him, so he took some time off and sought help. He left the highway patrol and worked in a series of security jobs. Then he became a Christian, which he said helped him to forgive Farnham. In 1986, Watt had the opportunity to attend a revival at the penitentiary. Farnham, he said, stuck out his hand. "I threw my arms around him," said Watt, "and gave him a hug and said, 'God, I'm glad I didn't kill you.'"

Said Farnham: "I consider myself extremely fortunate. I'm lucky to have Steve for a friend. His forgiveness has made what I did a little easier living with myself. It cost Steve dearly to forgive me."

## Air heads

Eight of the country's "best and brightest" in the fields of security and policing were sworn in last month as the Transportation Security Administration's first federal security directors responsible for overseeing airport safety.

"Our search for applicants for the new position of federal security directors began with a simple premise: find the highest caliber of candidate, with the highest possible level of experience, integrity, honesty and reliability," said U.S. Secretary of Transportation Norman Y. Mineta. "The men and women you see here today — Marine Corps generals, Navy admirals, Secret Service agents and police commissioners — exemplify each and every one of these characteristics."

Eventually, all of the nation's 429 commercial airports will get security directors. The newly appointed group and the airports at which they will serve are: Mike Aguilar, San Diego International Airport; Arnold Cole; Baltimore-Washington International Airport; Marcia Florian, Phoenix Sky Harbor International Airport; Gail Linkins, Mobile, Ala., Regional Airport; William Pickle, Denver International Airport; Isaac Richardson, O'Hare International Airport in Chicago; Willie Williams, Hartsfield Atlanta International Airport; and Anthony Zotto, Ronald Reagan-Washington National Airport.

Pickle, Cole and Linkins are all former Secret Service agents who served on the vice president's protective detail, a detachment headed by Pickle during the last three years of his career with the agency.

The 52-year-old Pickle retired from the Secret Service last June after a career that began in the mid-1970s. Until his recent appointment, he had been serving as deputy inspector general for the U.S. Labor Department. His mandate, he said, is to "provide safe travel for the public" and maintain the flow

of commerce.

Zotto, also a member of the Secret Service, is currently serving on Vice President Dick Cheney's security detail.

Both Williams and Florian come from municipal law enforcement. Williams served as police chief of Los Angeles from 1992 to 1997, and as Philadelphia's police commissioner from 1988 to 1992. Prior to that, Williams was a Philadelphia police officer for 24 years.

Florian, an airport security veteran, spent 27 years with the Phoenix Police Department, where she developed its Police Airport Bureau.

"We didn't have any say in picking her, but we are immensely relieved that they hired her," Phoenix aviation director David Krieger told The Associated Press. "We've done a lot of work with her at Sky Harbor and she is a consummate professional who has a very strong customer service focus in addition to her law enforcement background. I don't think they could have made a better hire for Phoenix."

Of the former military brass, Aguilar retired as a U.S. Marine Corps brigadier general and served as the deputy commander of U.S. Marine Forces South in Miami and commanding general of Fleet Marine Forces South. Richardson is a retired Navy rear admiral who flew F-14A Tomcats from numerous aircraft carriers. He also served as commanding officer of the U.S.S. Nimitz.

Said Transportation undersecretary for security John Magaw: "The opportunity to build this team from the ground up allows us to recruit quality individuals to fill these vital roles in aviation security. I am confident these men and women will meet and exceed the high standards of the TSA and of the American people."

## Heading home

Although he is a long-time Nassau County resident, James Lawrence chose to make his law-enforcement career in New York City. But now the NYPD's chief of personnel is coming home.

Lawrence was tapped this month to be Nassau's police commissioner by County Executive Thomas Suozzi. He will replace William Willett, 70, who is retiring in June.

It was Lawrence's wide experience as a manager that sold Suozzi on the 53-year-old police administrator. A city officer for 32 years, Lawrence has served as chief of personnel since September 2000. Prior to that, he commanded the School Safety Division and several precincts. Lawrence is the NYPD's highest-ranking black officer.

Doing "more with less," as Suozzi has requested, will be Lawrence's toughest challenge, the new commissioner said. "Given the fiscal issues in Nassau County, that's probably going to be the biggest issue that I have to deal with," he told The (New York) Daily News. And doing more with less is going to take some work. "Some redeployment, some reorganization," he said.

Suozzi's administration is currently embroiled in a battle with the county's three police unions over contract negotiations and deployment. With union

officials demanding replacements for retirees, a move by the Suozzi to transfer 74 officers from desk jobs back to patrol has not gone over well with the organizations.

Willett, who joined the Nassau County police in 1953, is a "hero, trailblazer and a model public servant," said Suozzi. He was the first black to lead the 1,900-member department, having been appointed by former county executive Thomas Gulotta in March 2000. Willett's retirement, said Suozzi, "... will be a great loss to the people of Nassau County."

## The thick of things

During the late 1980's, when he was commander of the San Antonio Police Department's homicide unit, Albert Ortiz recalls, he was on the hot seat as murders rose to record levels. Now, as chief of the department where he has spent his entire career, Ortiz finds himself once again in the thick of things, as the city experiences its first rise in violent crime in nearly a decade.

Sworn in on March 29, Ortiz is the first Hispanic chief to come from within the agency's ranks. He succeeds Al



Albert Ortiz

Philipps, who observers say hand-picked Ortiz to succeed him. Philipps retired in March after seven years as chief, to take a position as head of security for Valero Energy Corp.

Ortiz said his first order of business will be reducing violent crime. Murders hit the 100 mark last year, the highest total since 1996. As of March 27, there have been 24 homicides this year, including a triple homicide during a robbery at a Chinese restaurant, as compared to 14 during the same period in 2001. Robberies rose by 26 percent from 2000 to 2001.

Field analysis, Ortiz said, shows that

the increase in homicides this time have not been generated by the same crime patterns that were prevalent during the 1980's and early 1990's, when a record 229 slayings were recorded in 1994. Two years ago, murders in San Antonio fell to a 30-year low of just 89.

"I was there when it [homicide] was really skyrocketing," Ortiz told The San Antonio Express-News. "The gangs — both street gangs and Mexican Mafia — were thriving, and we were having a lot of drive-by shootings."

Ortiz said that what concerns him is the senselessness of some of the crimes. "It just seems that more and more we're seeing senseless crimes where there is no sense of the value of life. And those are tough for investigators — when there doesn't seem to be a clear motive."

Ortiz, who grew up in San Antonio, spent summers as a migrant worker before graduating from high school in 1970 and joining the police department two years later. As a rookie officer on the West Side, Ortiz was as green as they come, said his then-supervisors.

In one incident that earned the new chief the nickname "Fingers," Ortiz was among the first officers to arrive at a furniture store where a man had sliced some fingers off with a table saw. Unsure of what to do when he saw a finger on the floor, Ortiz called in for advice. Without flinching, he wrapped the finger up and brought it to the hospital.

"That was his willingness to do whatever it takes," said Robert Coronado, now a U.S. diplomat who was Ortiz's field-training officer at the time. "That's an attribute he has today."

In 1994, Ortiz and Philipps were appointed to deputy chief posts by then-Chief William Gibson. The department was in disarray after the fatal shooting of vigilante officer Stephen Smith by his friend and colleague Farrell Tucker. Charged with straightening out the mess, Gibson reached deep within the ranks for help.

"He delegated a lot of responsibility to me," said Ortiz, who by then had risen to the rank of lieutenant and helped set up the agency's first Special Operations Unit. "I was doing some of those jobs that should have been done by captains and deputy chiefs."

Ortiz said he will run the department based on the same standards set by his predecessor. As Philipps's closest confidante, Ortiz has had a hand in many of the agency's policy changes over the past five years.

"I'm going to put the organization first," he said. "I think that's one of the reasons that [Philipps] has some confidence in me — that neither one of us has a hidden agenda — just whatever's good for the organization and the community."



## It's Not Too Soon to Plan your Summer Reading...

And you won't want to do it without the latest Low Enforcement News Literature Supplement. You'll find hundreds of the latest books on police and criminal justice-related topics, all with capsule descriptions or reviews to make your next trip to the bookstore or library as smooth as possible. It's coming soon, and only in LEN — of course.

# Getting smart about medical response

While the era of the first-aid kit containing a few bandages, a pair of scissors and some anti-bacterial ointment are not entirely gone, its demise is being hastened by new "smart" kits developed for law enforcement use over the past several years by at least two different manufacturers.

One such kit developed by Smart Care, a New Jersey-based company, provides instruction cards and supplies to treat eight different types of basic injuries. It was created by Dave Hammond, a U.S. Navy medic during the Vietnam War who spent three decades perfecting his product.

"They're designed to assist people acting under times of stress when they can't remember what to do or anything else," he told Law Enforcement News. "We know from our experience in the consumer market as well as the industry

trial market that in times of stress, it's difficult to react, particularly for law enforcement officers who don't use first-aid kits all the time and are expected to use them at the drop of a hat."

Detective Dan Dede of the Pasco County, Fla., Sheriff's Department, who is in charge of certifying its 600 deputies in CPR and first aid, came upon the kits at an emergency-response convention hosted by the National Safety Council. He was so impressed with Hammond's product, he said, that he convinced his superiors to purchase as many as the department could afford. Then Dede asked local hospitals to sponsor the purchase of enough to place one in every deputy's car and road vehicle, and to have kits at the firing range, with the SWAT team and in the jail. The department was able to buy 80, and another 200 were bought by two area hospitals.

Dede said he is approximately 75 kits away from fulfilling his goal.

"One of the biggest problems in law enforcement is when you try to teach cops medical stuff," Dede told LEN. "They don't want to know from it. It's like, 'EMS takes care of that, we're cops.' But they are first-responders and this is important."

Hammond's kits are perfect for the department's needs, he said. In eight sealed packages, they provide gloves and the specific medical equipment needed to treat injuries involving bleeding, breathing, shock, burns, bone injuries, eye injuries, head and spine injuries, and bites and stings. Each of the packets also has a 5x8 card that outlines the procedure in detail, with pictures. A spiral-bound book contains all of the necessary instructions so officers can familiarize themselves with the

techniques before they ever have to break open a packet.

"I can hand [the card] to any Joe Citizen who doesn't have any training and say, 'read that to me and walk me through this procedure,'" said Dede.

The agency is in the midst of a field study for Hammond's company, Smart Care. Each time a kit is used, deputies fill out a form detailing the incident. The company will replace that packet for free for up to a year.

In one case, a driver ran off the road after suffering a heart attack, said Dede. While a deputy was able to pull him from the car and administer CPR, the victim suffered lacerations, as well. The deputy got out the packet on bleeding and was able to successfully treat the injuries, he said. "We've had that, we've had another that was just bleeding in a car crash," said Dede.

The kits cost quite a bit more than what he called "nickel-and-dime kits" which have a manual, dressings, ointment and other inexpensive supplies. "It's kind of like that's in the back of the car, the stuff gets nasty, most of it missing," he said. Those kits cost approximately \$30 with another \$16 for replacement contents. With the addition of a bio-bag and clean-up kit, the department was paying about \$59 per deputy. Hammond's kits cost the department and the hospitals \$80 a piece.

"We wound up spending about \$20 more, but what a difference. It's just incredible," said Dede.

The Wisconsin-based Emergency Medical Products company produced a medical kit aimed at preparing deputies to handle gunshot wounds in the minutes before paramedics arrive. The Los Angeles County Sheriff's Department purchased 5,000 of them in 2000. [See LEN, July/August 2000.]

The kits include rubber gloves, shears that can cut through a uniform, and sterile pads and bandages. Its contents are designed to stop bleeding from major arteries, sucking chest wounds, or other injuries that can cause breathing to stop.

They were developed by Larry Townsend, a veteran emergency medical technician who is the company's national director of law enforcement. Townsend's brother-in-law, Officer Dennis Doty of the Riverside, Calif., Police Department, was fatally shot in 1982 along with his partner, Officer Philip Trust, during the apprehension of a bank robber.

"We hope that these law enforcement trauma shooting kits can help save a deputy's life in the field," he told LEN. "That's our ultimate goal."

## "Policing, we have a problem": FCC concedes interference with police radios

If the first step toward solving a problem is admitting that one exists, then federal regulators last month moved that much closer to finding a solution for one that has plagued law enforcement for at least the past four years: the interference between wireless phone transmissions and police communications.

In March the Federal Communications Commission publicly acknowledged the issue for the first time. While the FCC does not have a solution of its own for fixing the problem, it asked the public for ideas, as well as for comments on plans submitted by the telecommunications industry.

"While the root causes of the problems are complicated, our goal is very clear," said FCC commissioner Kevin J. Martin. "We must remedy this situation."

Among the hardest hit areas has been Portland, Ore., and its neighbor-

ing jurisdictions, such as Tigard. On two occasions, officers just blocks from police headquarters have been blocked from calling for backup by cell-phone tower interference, said Capt. Gary Schrader.

"The problem exists primarily at this time with Nextel because the FCC licensed them with the public safety band," he told Law Enforcement News in an earlier interview. Public safety agencies have traditionally used 800-megahertz frequencies, but telecommunications companies began buying bandwidths within those segments as the industry began its exponential growth.

"They bought up empty or available spectrum located throughout the public safety segment set aside by the FCC," said Schrader. "As a result, if there's a Nextel tower near where you're trying to transmit and they happen to be transmitting at a frequency very close to

yours, their power will override our radios and then you can't transmit and can't receive." [See LEN, March 15, 2001.]

Nextel, which officials have identified as the cause of interference in at least 21 states, called for the separation of intertwined frequencies into two blocks, one for public safety agencies and one for itself. Should the FCC adopt the plan as proposed, the company offered \$500 million to police and fire departments to retrofit their communications systems and buy new radios as needed under the reorganization of the bandwidths.

The problem is that firms such as Federal Express would have to change bandwidths at their own cost, which the company estimates at about \$100 million. The National Association of Manufacturers, a group representing companies that use the 800-megahertz frequency, has proposed splitting the

band into three sections: one for industrial companies, one for public safety agencies, and the last for wireless phone providers.

The problem came to the FCC's attention three years ago when Joe Kuran, a radio engineer for Washington County, Ore.'s 911 center in Beaverton, wrote that a Nextel antenna near the Washington Square shopping center was blocking firefighter radio communications.

According to an investigation by The [Portland] Oregonian last August, Oregon and 29 other states have had at least one confirmed or suspected instance of cell-phone tower interference.

"It's really important that they [the FCC] acknowledge it's a problem," Nancy Jesualc, Portland's director of communications and networking, told The Oregonian. Added Kuran: "That's what we were hoping for, was for them to realize it's a problem."

## Now you see them, now you don't

For some departments, the only thing that stays the same is change

Elizabeth City, N.C., this month lost its fourth police chief in 10 years when Trevor Hampton was suspended with pay just hours before the City Council voted to have the police force investigated by the Justice Department.

Hampton, who was hired in 2000, was praised by some Council members for hiring the first full staff of officers in a decade and improving the agency's community policing policies. City Manager Steve Harrell would not say why he had placed Hampton on administrative leave, saying only that it did not reflect on his performance with the department.

All of Hampton's predecessors since the retirement of W.C. Owens in 1992 have left under fire, including Herman Bunch, who was hired from within the agency, Michael Lloyd and Elliot Phelps. Owens had been chief for 45 years.

Murray, Utah, also lost its chief in March, but under far different circumstances. Ken Killian, 66, retired this month after 43 years with the department — 13 of those as chief.

Among the achievements he is most proud of, he said, was the creation of the Valley Communications Center. Killian spearheaded the movement to consolidate dispatch services for the majority of agencies in Salt Lake County. The next step, he said, would be the consolidation of all records departments — a step he hopes the next chief will take.

"I've always thought the communications and the records should go together," said Killian. "We've never been able to get the cities and counties together on it."

Claude Christy, a former FBI special agent, field supervisor and headquarters supervisor, has been named as Morgan City, La.'s, new police chief. Christy, 62, handles private security for a St.-Louis based lumber firm. Although appointed by Mayor Tim Tregle, he still needs City Council approval.

Christy succeeds Chief Steele Viccellio, who resigned last year. The mayor said at his own swearing-in ceremony 14 months ago that the chief did not meet the "Tregle criteria" for his new administration.

Just one year after scoring the highest mark on a promotion exam, East Greenwich, R.I., police Sgt. David Desjarlais was named chief in March. Desjarlais had been acting chief since December following the resignation of Chief Lawrence Campion Jr., who pleaded no contest to three counts of simple assault. Desjarlais began with the agency 16 years ago as a part-time officer. After acing the promotional test, he was made the department's first captain. Town Council members have been pleased with Desjarlais' performance as acting chief, particularly his success in reducing overtime, said Town Manager William Sequino Jr.

The Manchester, Conn., Police Department's one-man internal affairs bureau is leaving the agency to become chief in Berlin, Mass. Lieut. Otto Rhode, a former lawyer and teacher, will assume command on April 1 of an agency with six full-time officers and 10 part-timers.

Until he became Manchester's internal affairs officer, Rhode, 50, was the local union president. He had joined the police department in 1987. In his new position, Rhode said he will be expected

to respond to calls. "So, I'm looking forward to being a patrol officer again," he said.

Citing only "philosophical and ethical differences with the town manager and selectmen," Madison, Maine, Police Chief Gerald A. Coleman resigned in March. He had held the position for four years, having been appointed in 1998 after serving 23½ years with the Maine State Police.

"He's chosen to move on," said Town Manager Norman A. Dean. "I didn't expect it at this time; I wish it could have worked out differently."

Jay C. Rider, a police captain in Fort Smith, Ark., will replace Myron LaMora as chief of the Barling Police Department. Rider, a 20-year veteran of the Fort Smith Police Department, has supervised the agency's narcotics unit, criminal investigations and major crimes unit.

LaMora, who resigned after 17 years with the Barling department, was told by City Administrator Ray Caruthers to either leave or be fired because he wanted a change of management.

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*Red Squad days revisited:*

# Furor over Denver PD intelligence practice

Agreeing with civil libertarians that police overstepped their bounds when they opened intelligence files on local activists, Denver officials last month passed a nonbinding resolution aimed at discouraging and limiting such surveillance in the future.

The resolution, which passed the City Council by a vote of 7-4 on March 18, dissuades police from investigating groups or individuals based on immigration status or country of origin. The measure's sponsors say it is meant to serve as a response to the USA Patriot Act passed by Congress last fall, while addressing the issue raised by the ACLU when it disclosed the existence of the dossiers.

Denver police gathered data on more than 3,200 individuals and organizations, including the American Friends Service Committee and Amnesty International. The discovery of the intelligence-gathering operation prompted a class-action suit against the city by the

ACLU, which seeks to prevent police from keeping the dossiers and would require them to turn the materials over to targets of the surveillance.

Mayor Wellington Webb reprimanded the department, saying police had interpreted a city policy too broadly. Although the City Council resolution does not have the power of law, its supporters say Webb has indicated that he would make it part of law enforcement operations.

"In this city, it's not a crime to have dark skin," said Councilwoman Kathleen MacKenzie, who co-sponsored the resolution. "It's not a crime to be from a different country. It's not a crime to express unpopular views."

A spokesman for the mayor, Andrew Hudson, said: "[Webb] was unaware these intelligence files were being kept and he wants more information from the police department to explain how those types of files are being used." The administration does

not know if the dossiers go back "five years or 40 years," said Hudson. "Quite frankly, it will be interesting to see if there's a file on Mayor Webb."

An FBI informant in 1977 admitted to spying on Webb, who was then a state representative, along with other Colorado lawmakers.

In March, Webb convened a three-judge panel to review the surveillance files and meet with critics. Civil libertarians were angered, however, when City Attorney J. Wallace Wortham said the panel would not be able to punish officers who violated policy. It would only be allowed to make recommendations to the mayor as to how such dossiers should be handled in the future.

Former state Supreme Court Justice Jean Dubofsky, a member of the panel, said the group had not yet seen the documents. "We really don't know what's there. What the ramifications of those files are, we don't know. That's what we have to investigate," she said.

Wortham said officials were disappointed that the ACLU filed its suit before giving the panel a chance to do its job. "We have repeatedly assured the ACLU that the city would not destroy any files," he told The Rocky Mountain News. "We gave them early notice of our intention to put together the panel to resolve this matter."

Police officials rejected a formal request by the ACLU to see intelligence files on five activists. In a letter dated March 29, the department said the law gives them discretion to deny access to such data.

According to C.L. Harmer, a spokeswoman for Manager of Safety Ari Zavaras, the files are considered highly confidential and contain only raw data used by the department's intelligence division. The files are not

accessible to patrol or traffic officers, and are kept for a maximum of five years, she said.

"It's not the police's intent to dampen free speech or lawful political activity," she told The Denver Post. "You shouldn't be concerned as long as you're being lawful. But if you engage in civil disobedience, the consequences are that you may be arrested."

Police Chief Gerry Whitman's immediate predecessors, David Michaud, who is retired, and Tom Sanchez, who is still on the force as a captain, said such files were not collected during their administrations, but officials with other departments around the state said all police agencies gather such data to one extent or another.

Aurora police said the information they collect is limited by federal regulations because the department receives grant money for that activity. Files that do not turn up criminal offenses are purged within five years. "Our people try to concentrate on the more radical groups," said police spokesman Rudy

Herrera.

A Boulder police directive allows information to be gathered that "establishes suspicion of criminal activity or the potential for criminal activity." Groups that may be the subject of surveillance include hate groups, subversive groups and those with ties to criminal activity, such as gangs.

The Colorado Springs Police Department also allows data collection on any group tied to "criminal activity or [a] perceived threat," said Lieut. Skip Arms.

Ed Thomas, a Denver City Councilman, said he approved of the police department's intelligence gathering. The city's police union also came out in favor of the approach, criticizing the City Council's resolution.

"To attempt to hamstring the police from attempting to find out who is involved in the various causes and possibly not respond appropriately to these activities is wrong and maybe irresponsible," said a statement by the Denver Police Protective Association.

## DoJ officials: 'Hold the line on crack'

Efforts to balance out disparities between sentences for distributing crack and powdered cocaine should be aimed at increasing the penalties for powder, not at reducing prison time for crack offenses, according to Justice Department officials, who said last month that would oppose any sentence-reduction efforts by lawmakers.

In recent testimony before the eight-member U.S. Sentencing Commission, Deputy Attorney General Larry D. Th-

ompson said harsher penalties for crimes involving crack cocaine are warranted, given the greater threat posed by the substance. Crack cocaine, he said, was more associated with violent crime than the powdered form of the drug.

"There are significant differences in the predominant manner the two substances are ingested and marketed," said Thompson. "Based on those differences and the resulting harms to society, we believe that crack cocaine is an especially dangerous drug, and its traffickers should be subject to significantly higher penalties than traffickers of like amounts of powder."

Critics charge that sentencing guidelines based on the weight of the seized cocaine provide a 100-to-1 ratio. It takes 500 grams of powdered cocaine to trigger the same five-year mandatory sentence as does just five grams of crack. The sentencing disparity is particularly unfair to African-Americans, some claim, because crack is more prevalent in minority communities. The powdered form is more commonly used by whites.

Although legislation had been introduced by Senators Orrin G. Hatch of Utah and Jeff Sessions of Alabama, both Republicans, which would have made the sentencing ratio 20-to-1 by increasing the amount of crack mandating a five-year sentence and lowering the amount of powdered cocaine needed for the same sentence, the initiative lost steam in the face of Justice Department opposition, The New York Times reported.

According to Thompson and the assistant attorney general for legal policy, Viet D. Dinh, disparities are not as great as are generally believed. By comparing sentences for like amounts of crack cocaine and powder, Dinh's office found those convicted of possession of five grams of crack with intent to distribute were sentenced to 70.5 months and those whose crime involved five grams of powder received sentences averaging 13 months — a ratio of 5.4-to-1.

### Faces in the crowd

The Colorado state Senate last month passed a bill that would prohibit police from using the state's new digital driver's license photos to scan crowds for suspects using biometric software.

Beginning this summer, new software will allow digital cameras to measure facial dimensions as a hedge against fraud and preventing people from getting multiple licenses.

"We were taking a step down the path that George Orwell warned us about," Senator Ron Teek, a Republican from Grand Junction, told The Associated Press. "I get a little nervous that Big Brother may be track-

ing us to know where we are going."

The Senate killed an amendment, however, that would have banned police from using the 9 million license photos kept on file by the state for suspect lineups. Such a ban would have unreasonably restricted law enforcement, said lawmakers.

According to Denver police Sgt. Tony Lombard, when someone other than the suspect is picked from a lineup, a background check is run and the person contacted. Sometimes the individual's employer is contacted to verify an alibi.



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# For some cities, crime continues to drop

While the most recent FBI Uniform Crime Report found that the nation's plummeting crime rate had finally found the bottom in 2000, that appears not to be true for a handful of cities including New York, Miami, East Hartford, Conn., and Virginia Beach, which continue to see sharp decreases in violent crime in recent months.

Exactly why crime has fallen seems to be somewhat of a mystery. Experts say that although policing strategies have played a role in many areas, the fall in local crime has been so precipitous that other factors had to have been at work. Just what those were, however, no one seems to know.

"I don't think we know enough to say that this is a great victory in law enforcement," Bruce Winick, a criminal justice professor at the University of Miami's School of Law, said in an interview with The Miami Herald. "It may just be the shifting demographics."

Major crime in Miami dropped in 2001 to its lowest level in more than 23 years, with significant decreases in homicides, sexual assaults, robberies and burglaries over the past five years. From 1996 to last year, the number of murders dropped from 128 to 66, while rapes fell from 248 to 161, and robberies dropped from 5,139 to 2,719. Over that five-year period, tourist robberies declined from 295 to 74, and burglaries from 9,804 to 6,218.

At the same time that crime nationally had dropped by 7 percent, between 1998 and 2000, Miami was ahead of the curve with a 17-percent dip, noted Police Chief Raul Martinez. "Crime goes down more significantly in Miami than in any other city in the United States," he told The Herald.

In New York City, murders are expected to fall this year to a level not

seen since 1958. The safest week in 40 years was the third week of February, when the number of major crime complaints fell to 2,597, according to police statistics. Slayings for the week of Feb. 18-24 were down by nearly half compared to the same week a year ago.

So far this year, the city's homicide rate is down 40 percent, with just 85 murders in the first 2½ months.

**Homicide detectives are beginning to feel like Maytag repairmen, the number of homicides is so low."**

Manhattan's 11 murders represents a 60-percent decrease. If the decline continues, just 386 homicides will have been logged by year's end.

"Homicide detectives are beginning to feel like Maytag repairmen, the number of homicides is so low," said one police official.

One oddity, however, has been a resurgence in the use of knives. Of the 62 murders committed from the beginning of the year through Feb. 24, more than 37 percent involved knives or other sharp instruments, according to NYPD records analyzed by Newsday. During the same period last year, 25 of the 100 homicides were committed with knives and 53 with guns.

"There's something in criminology called the valve theory: If you shut off one avenue, another avenue opens up," said Andrew Karmen, a criminologist at John Jay College of Criminal Justice. "If it's more difficult to get guns,

people might turn to knives."

From Jan. 1 through March 17, the number of robberies in the city dropped by 8.6 percent compared to the same period in 2001; felony assaults dropped by 14.2 percent; and grand larceny by 7.4 percent.

"Something terrific is going on," said Karmen. "If only we knew what was causing it." It is almost miraculous, he said. "It's as if everybody wiped the slate clean when the calendar year ended."

While some theorize that after Sept. 11, people are more inclined to cooperate with police and that officers may be patrolling with renewed vigor, others credit better policing techniques.

Eli Silverman, a professor at John Jay College and the author of "NYPD Battles Crime" (Northeastern University Press, 2000), told USA Today that the most successful strategies have been fine-tuned. Officials, he noted, can now use videotape to see whether areas that Compstat finds to be high-crime are being adequately patrolled.

Officials in Virginia Beach, Va., credit that city's overall reduction in crime to levels not seen in 20 years to citizen involvement.

"In Virginia Beach, we have a citizen base that really cares about their community, and gets involved," said Police Chief A.M. "Jake" Jacocks Jr.

Last year, the city's crime rate was 38.1 offenses per 1,000 residents, making Virginia Beach one of the safest cities of its size in the nation, despite slight increases in some violent and property crimes. Total Part I crimes fell by 8.5 percent, with overall violent crime dropping by 13.9 percent. The biggest decreases were in robbery and aggravated assault, which dropped by 22 percent and 9.8 percent, respectively.

Murders increased from 11 in 2000 to 12 last year, while rapes rose from 122 to 125.

A 20-percent drop in the number of gas station "drive offs" can be attributed to the type of proactive partnerships that police have forged with residents, said Jacocks. Although a new state law which became effective last year made offenders subject to having their licenses revoked, meetings between station owners and crime prevention representatives resulted in measures such as better lighting and placing pumps where clerks had a better view of them.

Dropoffs in crime of 30 percent in the first quarter of 2001 and 20 percent in the second quarter are "phenomenal," East Hartford, Conn., Police Chief Mark J. Sirois told The Hartford Courant. "It means we're doing a good job."

After being appointed last year, Sirois launched a 44-member "quality of life" unit that he credits with the decline. He also began a school officer program, assigning two officers full-

time to the local high school and two to the middle school.

In 2001, aggravated assaults fell to 159 from 229 the previous year. During the last quarter of 2000, 51 assaults were reported. During the same period in 2001, there were just 13. Burglaries and larcenies were also down, from 108 in the third quarter of 2000 to 63 during that period last year.

Said Richard Kehoe, chairman of the town council: "This certainly vindicates the decision on the part of the police chief and the council to dedicate more police officers to the streets."

In Topeka, Kan., intensified enforcement efforts led a 24-percent decline in major crimes in the city's central area. The number of offenses there decreased from 995 in 2000 to 751 last year, according to Lieut. John Sidwell. Police unleashed "saturation patrols" in the area between S.W. 10th Street and S.W. 17th, from Topeka Boulevard to Washburn Avenue. Residential burglary totals fell by 40 percent, from 205 in 2000 to 122 last year.



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FEDERAL BUREAU OF INVESTIGATION

*Despite strong support...*

# Loitering law won't be hanging around

Despite strong support from police, community groups and a majority of City Council members in Madison, Wis., an anti-loitering ordinance aimed at disbanding open-air drug markets in some of the city's most troubled neighborhoods will be allowed to expire.

The ordinance was vetoed in March by Mayor Sue Bauman, who cited concerns over its disproportionate use against African Americans and its effectiveness as a public safety tool. Established in 1997 with an annual sunset provision, the law made it illegal to loiter for the purposes of selling drugs. Council members, who voted 11-7 in favor of making the measure permanent, were unable to garner enough votes for a "supermajority" of 14 that would have overridden Bauman's veto.

The issue has become highly politicized, said Police Chief Richard Williams. Bauman, he said, was pressured to exercise her veto because she is up for re-election and is being supported by a group of council members with concerns over such ordinances. In Williams's view, the reasons Bauman offered for the veto were convoluted. He said she also failed to take into account an opinion she had requested from the City Attorney, which found no disparate impact on blacks.

"What happened was that at the council meeting there was a discussion of this veto and she got reamed royally by the folks who were in these neighborhoods [who were] saying, 'This is not democracy, we have cried out that we need police to have this tool, yet you're saying they don't need it and you're not coming up with any alternatives for how to keep people from cussing, and soliciting for prostitutes and drugs at 3 o'clock in the morning,'" Williams said in an interview with Law Enforcement News.

Of the 77 citations, each costing \$278, that were handed out in 2001 for loitering violations, 80 percent went to blacks. The previous year, that figure was 87 percent, although African Americans make up just 6.7 percent of Madison's population.

The statistics do not surprise Williams, nor does he believe that blacks have been disproportionately affected by the measure.

"Clearly everyone knows these are African-American communities, the

people who would be contacted who we suspect are dealing drugs or are in the enterprise of dealing drugs, are going to be African American," he said. "I have not seen many Caucasian, Latino or Asian drug dealers in African-American neighborhoods. We were trying to respond to community wishes that we do something."

Williams asserted that one of the problems has been the use of 2000 Census data as a measure of how many black city residents are being affected by the law. Instead, the police department, working with information collected from driver's licenses, has found that most of those cited were from outside Madison, he said.

Opponents, however, contend that the law was both discriminatory and

ineffectual.

Said Bert Zipperer, president of the Equal Opportunities Commission, the lead agency charged with reviewing it: "The racial impact of this is unconscionable. This will do nothing to improve neighborhood safety. It will, however, severely impact people of color."

The City Council should forget the law and develop alternative ways to fight drug dealing in poor neighborhoods. "We cannot support an ordinance that has had a disparate racial impact and that seems to be ineffective," he told The Wisconsin Journal.

The law originally grew out of talks between the effected communities and city officials, said Williams. Each time it came up for review, he noted, those who argued against it were generally

people who did not live in the affected neighborhoods. "Quite frankly, they are university students who read about the upcoming hearing in the paper and say this is an injustice."

Williams said the department tried to pull the community together and let it fight for the ordinance because as long as it remained a "law enforcement issue," it was too easy for opponents to take "pot shots at me and the police department." He added, "The veto meeting, I think, was when the mayor got the first full sense of the blunder she made because she really got roasted from a variety of sides."

Council members quickly vowed to pass a new law. "We'll be back," said Alderman Dorothy Borchardt. "If the mayor chooses to veto it again,

she'd be a fool. For the rest of her term, we'll be back every six weeks." Borchardt said she will seek a permanent ordinance this time.

Alderman Tim Bruer, who represents the 14th District, where the law was used most often last year, said he would propose a new ordinance with perhaps a three-year limit.

"Because of the amount of heat the mayor has gotten for her veto and the reasons for that," said Williams, "she is searching desperately to find a compromise." He speculated that the result will most likely be another anti-loitering ordinance with a time limit.

"We're playing games," said Williams. "It will be a thing that disappears, resurfaces, and looks exactly like it did before it left."

## Cultural diversity training moves to another level — from the classroom to the lunchroom

Cultural diversity cannot be experienced through the classroom alone, so the Providence Police Department will soon have recruits share meals, attend sporting events and even attend church with families of different ethnic backgrounds as part of an unusual immersion program.

Designed by a veteran law-enforcement officer, Arthur Jones, now an assistant professor at the Johnson & Wales University Center for Legal Studies, the program, which was launched last month, calls for recruits to spend one lunch hour a week at a local elementary school, and 30 hours during the course of their training period with families of differing ethnic backgrounds. The initiative also includes several hours of classroom study.

Jones told Law Enforcement News that he based the program on a similar initiative taught by John Jay College of Criminal Justice to New York City police rookies and in-service personnel. That program, called "Streetwise: Language, Culture and Police Work in New York City," offers a five-part curriculum examining various facets of multicultural police community relations.

[See LEN, May 15/31, 1999.]

"I decided to look at what John Jay was doing and [it] had a very good ap-

proach," he said. Jones added the immersion portion, called the Capstone Project, based on his experience teaching cultural diversity at the community corrections academy in Bergen County, N.J. A former police officer in Albany, Ga., Jones also spent 30 years as a high-ranking correctional and parole official with the New Jersey Department of Corrections.

"We're trying to break down some of those barriers and get people communicating across the line," he said. "That's the key, I think, to community police relations."

The Providence department has been under scrutiny since January 2000 when two white officers shot an off-duty black officer who was trying to break up a fight. The victim, Sgt. Cornel Young Jr., was the son of the agency's highest-ranking African-American officer.

In the aftermath, a statewide commission and Providence's Blue Ribbon Commission were created to find ways of drawing more minorities into the agency's ranks. Although Asians, blacks and Hispanics make up 55 percent of the city's population, the department is 85 percent white; three percent Asian; 5.1 percent Latino, and 8 percent black.

This year's academy class is unusually diverse, the result of a concerted recruitment drive aimed at bringing more women and minorities into the department. Forty percent of the 45 re-

cruits are black, with one-third of the group coming from Providence. Four are former officers from Dallas, Tuscaloosa, Ala., Baltimore, and Warren, R.I.

One hour each week for the next 14 weeks, the recruits will join students at the Mary Fogarty School for lunch. Each of the candidates must choose a child of an ethic or racial background different from their own and get to know him or her throughout the academy training period.

Later, they will spend 30 hours a week with their "adopted" families, said Jones, who has led diversity classes for the New Jersey State Police and other law enforcement agencies in that state. "They develop a bond by sharing events

over the 30-hour period," he told LEN. "They can do anything — religious activities, sports, community activities — but they have to document what they're doing."

If the recruits cannot find a family on their own, one will be found for them. Jones said he has reached out to clergy in the area and has gotten to know those residents who are involved in the community. Periodically, he will meet with recruits to find out what they have been doing and any problems they have had.

"They [are] real excited about the program," he said. "A couple of recruits asked if they could bring along their families when they meet the individuals. So far, that seems to be going well."

## High Court upholds drug-eviction policy

Public housing tenants may be evicted if a guest or household member has engaged in drug use, regardless of whether the tenant knew of the activity or whether the offense took place far from the dwelling, the U.S. Supreme Court ruled last month.

The Justices ruled 8-0 that, under a provision of the Anti-Drug Abuse Act of 1988, Congress intended to give housing authorities the right to remove "innocent owners." The meaning was unambiguous, said the Court, as indi-

cated by a term in public housing leases which finds grounds for eviction based on "any drug-related criminal activity."

The ruling overturned a decision by the Ninth Circuit Court of Appeals in San Francisco, which had interpreted the provision as barring the eviction of tenants who had neither knowledge of nor control over family members' drug use. That interpretation was necessary, the appellate court had said, to avoid constitutional issues raised by depriving tenants of their property without proof of individual wrongdoing.

But in a 10-page opinion in Department of Housing and Urban Development v. Rucker, No. 00-1770, Chief Justice William H. Rehnquist said that the eviction policy was reasonable in light of the harm drug use poses to other residents in a public housing project.

The decision stems from a case involving four elderly tenants in an Oakland, Calif., housing project. Three faced eviction because of a relative's drug use; and the fourth because authorities found that a caretaker had stored crack pipes in the apartment.

The New York City Housing Authority, the nation's largest local housing agency, applauded the Supreme Court's decision. "Our policy has been zero tolerance for drug and criminal activity," said a statement issued by the housing authority. The ruling "strengthens our policy."

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The City of Sequim seeks an energetic, innovative and motivated individual who demonstrates honesty and integrity beyond reproach. The ideal candidate will possess a solid track record of progressive law enforcement experience, including at least four years in a senior management role. The ability to interact successfully in a participative small-town environment is also necessary. A bachelor's degree is preferred and an executive level certification from the Washington State Police Academy, or the willingness to obtain it, is also preferred.

The City of Sequim is committed to hiring a diverse work force. Please send a cover letter and resume by June 7, 2002, to: Waldron & Company, 101 Stewart Street, Suite 1200, Seattle, WA 98101. Fax (206) 441-5213. E-mail to: info@waldronhi.com.

# Forum

Leftoff:

## A model of collaboration in New Mexico

By Sondra Leftoff

It's a short trip from the county courthouse in downtown Gallup, N.M., and the McKinley County Sheriff's Department on the other side of town, where officers construct policing strategies for the county. It's a considerably longer trip from that same sheriff's department to the Peacemaker Court in Crownpoint, N.M., on the sprawling Navajo reservation. Still, officers in McKinley County have come to utilize both of these models of justice in their work. It depends on the problem at hand.

Domestic violence is an ongoing problem in the county, as it is in many other jurisdictions nationwide. To help solve the problem, the sheriff's department has turned to its neighbors in Crownpoint. On any weekday you are likely to find some of the peacemakers of the eastern district of the Navajo Nation working in the sheriff's department in Gallup, helping families deal with domestic violence.

It is a unique collaboration that transcends borders of cultures, language, models of justice and histories of colonization — borders that otherwise have often made collaboration an unlikely event. Navajo peacemakers have brought their traditional approaches to resolving family conflicts and disputes to the sheriff's department, along with a willingness to move in new directions with them. Thus far, the collaboration has worked very well.

Deputy Sheriff Albert Benally was fresh out of the police academy when he was appointed as the domestic violence officer for the county. A one-week crash training course in Santa Fe helped orient him, but it was hardly enough. As he began handing out his business card, families came to see him, seeking advice. He saw uncertain young parents, struggling with their own identities, and the next generation of children suffering as a consequence. He realized that these families needed interventions that addressed the deeper conflicts they were facing. "I understood the Navajo way of life, but I didn't know what they wanted me to say," said Benally. "I began to learn." Acting on good advice, he made the trip to Crownpoint.

The use of peacemaking officially began in the courts of the Navajo Nation in the 1980's, but unofficially it is much older than that. Historically, it was the approach Navajos used to deal with all disputes within a community, in which individuals in conflict talked through their problem and

reached some resolution with the guidance and help of a wise elder, now known as a peacemaker, and other members of the community. Following U.S. colonization of the Navajos, peacemaking was driven underground as the federal government imposed its own adversarial system of justice. The formal return of peacemaking to the community is part of a larger movement to restore traditional Navajo justice practices to the society in an ongoing effort to reclaim what had been lost during the colonized period.

Benally understands this history of colonization and its aftermath, both personally and pro-

toties face in dealing with their problems in the long run. These are not easy problems to solve.

Benally is a pragmatist, a traditionalist, a Navajo, a former U.S. marine who "...grew up on the borders of the reservation." He understands the language of domestic violence within these contexts and the need to find models of treatment that can address the real problems that drive it. He is at once an insider and an outsider, so collaboration comes easy to him. He also learned from his boss, Sheriff Frank Gonzales.

When Gonzales first became sheriff, county officers could not easily collaborate with their

### Looking to traditional Navajo practice to help solve a domestic-violence problem that defied other available solutions.

fessionally, and in his view, contemporary problems of domestic violence within the county need to be understood and addressed by taking that history into account. When he looks at his computerized file of domestic violence cases, he sees brutality that is deeply disturbing. But to him, the screen equally shows the results of history played out in the lives of individuals.

One part of that picture comprises the history of forced dislocation of Navajo children from their parents during the era of the Bureau of Indian Affairs boarding schools, the damage to cultural identity and self-esteem that followed as they were prevented from speaking their language and practicing their traditions, the pain caused by the unacknowledged physical and psychological abuse that they silently had to endure, and the destruction of traditional communities through the imposition of HUD housing. These children have grown up to be the parents and grandparents that Benally now encounters. They live out this history of traumatization in their daily encounters. Jail time doesn't tend to fix this problem.

A second part of the picture entails such factors as the legacy of patchwork jurisdiction; the inconsistency of the FBI and other federal agencies in pursuing prosecution of felony crimes on the Navajo reservation (as is their legal obligation), including those involving domestic violence; the problems of prosecuting non-Navajos who commit such crimes on the reservation; the ineffectiveness of incarceration as the primary means of controlling the problem, as indicated by recidivism statistics; spousal unwillingness to sign a complaint, and the continued difficulty these fami-

lies face in dealing with their problems in the long run. These are not easy problems to solve.

Benally is a pragmatist, a traditionalist, a Navajo, a former U.S. marine who "...grew up on the borders of the reservation." He understands the language of domestic violence within these contexts and the need to find models of treatment that can address the real problems that drive it. He is at once an insider and an outsider, so collaboration comes easy to him. He also learned from his boss, Sheriff Frank Gonzales.

When Gonzales first became sheriff, county officers could not easily collaborate with their

counterparts in the Navajo Nation even though they had overlapping areas of patrol. Jurisdictional constraints meant that a county officer could patrol the Navajo Nation where it fell within the county line, but could not arrest a Navajo committing a crime there. A comparable situation existed for the Navajo police. To Gonzales, a failure to prosecute criminal offenders because police at the scene could not complete arrests outside of their jurisdictions was not meeting law enforcement needs of the various communities he was elected to serve. To him, the solution was obvious — cross-jurisdiction. It would allow sheriff's deputies to make arrests on Navajo territory and within the county borders as tribal officers, and allow tribal officers to make arrests within McKinley County as state officers, thereby in-

creasing available policing for all parts of the county. The idea took the sheriff to local Navajo chapter houses to make it happen. It's a model of collaboration, although it wasn't easy, and Gonzales believes it to be the only such program of cross-jurisdiction within the country.

Like his boss, Benally created a unique collaboration born out of a need to solve a problem where the available solutions weren't working. In Crownpoint, he learned about how peacemaking addressed individuals in conflict: through an uncovering process; through an opportunity to restore what had been lost in human relations; through an opportunity to learn from the collective wisdom of the group and from the special understanding of the peacemaker, and through hearing and dealing with both sides of the story, no matter how painful. He took back not only what he had learned, but the peacemakers who practiced it as well. It is a model of collaboration, albeit one faced with its own challenges.

The pre-prosecution diversion program developed by Benally for first-time domestic-violence offenders adopts Navajo values of restoring good relations through "talking things out" in a peace-making mode, and restoring personal and cultural values through an ongoing relationship with a peacemaker.

Peacemakers from the Eastern District have come to play a prominent role in this program, moving across borders to meet the needs of troubled families in either community. They have incorporated as the Dine Council of Elders for Peace to work for McKinley County, bringing their knowledge and wisdom as peacemakers to this community.

Benally trains the peacemakers in federal, state and local law and in the dynamics of domestic

Continued on Page 10

## Letters

### Dialogue, not diatribe

To the editor:

My recent article "Rethinking community policing" (Forum, Jan. 15/31, 2002) was offered as a vehicle for engaging in a dialogue, not a diatribe. Unfortunately, Lieut. Daniel A. Meeks of the Fort Wayne Regional Community Policing Institute appears to have missed the point (letter, Feb. 28, 2002). Specific concerns regarding the needs of unaffiliated individuals were ignored, summarily dismissed as narrow-minded or the product of a shallow understanding of the role of the police officer. Somehow, it would seem, being located in New York renders one incapable of understanding the community policing philosophy.

I make no emotional appeal concerning children sleeping in bathtubs for their safety, nor claim to speak for the millions of citizens across our country. I simply questioned the unsubstantiated claims that all positive results are exclusive to community policing, and asked for objective testing.

Police officers have walked foot posts long before federal funding promoted COP. These officers interacted with those who "reside, work and visit" their posts, heard their concerns, and offered to assist as they could. When the priority needs of the department required reassignment to a different post, these officers were committed to the same level of service at the new location. It is possible to address the concerns of the public without a need to identify individuals by community.

To the charge of not getting all the facts, I happily plead guilty. Getting additional facts was the compelling purpose of inviting a dialog. Platitudes aside, there is no evidence that community policing is somehow better than traditional policing. Given that the tax base has been stretched thin and new demands are constantly being made upon

public resources, the taxpayer deserves to know what works and when their dollars are simply being squandered. In 1991, the New York City public accepted a tax increase of \$1.8 billion to make community policing the dominant philosophy. In 1994, a new administration used the resources provided by those dedicated tax dollars to promote a philosophy of zero tolerance for the symptoms of disorder. The public benefits when an accurate and honest audit of police activities guides the assignment of police resources.

Since the federal government supplies supplemental funding, every taxpayer has a stake in measuring the effectiveness and efficiency of local public service delivery. Police officers across the country may "go the extra mile" every day, hopefully within the law. An honest audit of police conduct can provide valuable feedback to both the police and public. I have no illusions that simple statistics will provide all the answers, but, lacking reliable data, well intentioned police officers may erroneously rely on results to justify the means while the citizen without an advocate waits longer for a response to a call to 911 for help.

RAYMOND MANUS  
Yorktown Heights, N.Y.

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.



*Spurred into action:*

# As robberies rise, Bobbies widen stop & search

Prompted by a double-digit rise in street crimes across England and Wales over the past year, a task force that includes the nation's police chiefs, top attorneys, and senior government ministers will get to work discussing crime-fighting initiatives three months ahead of schedule. Home Secretary David Blunkett said last month.

Between 2000 and 2001, robberies rose by 13 percent. That figure rose by another 13 percent during the past 12 months, with some 78,071 muggings recorded in the past year.

"There is a feeling in some parts of our urban areas that it is unsafe to walk the streets," said Blunkett. "We want more police visible on the streets, immediate action to speed the perpetrators through the system, action to protect victims and witnesses and to ensure that those who are remanded or convicted don't walk freely on our streets."

A robbery-reduction crackdown that had been planned for July is already in place in London. British Transport Police will tackle robberies committed on Underground trains and stations. Police will also work with educational authorities to identify youthful troublemakers, in light of research indicating that most

street robberies occur in the hours immediately after teenagers leave school.

Authorities have also directed police to stop and search more people. The practice will be tested in five high-crime areas before being put into effect throughout the country, said Blunkett. Under new anti-bias guidelines, however, police will have to fill out a form that tells individuals why they have been stopped.

Last year, 853,188 people in England and Wales were stopped by police. That figure was down 17 percent from 2000, when evidence showed that blacks were seven times as likely as whites to have contact with police.

But a large proportion of serious crime was committed by black men, and blacks made up the majority of victims, Blunkett pointed out. "We need to be honest about it, and we need to do something about it," he said. The new guidelines "should give people reassurance that the police know what they are doing."

Making officers complete paperwork at the scene would add seven minutes to the average encounter, police officials asserted. Said Fred Broughton, chairman of the 127,000-member Police Federation: "Properly targeted stop-

and-search procedures are an effective tool in the fight against crime, but we are concerned about the additional bureaucracy generated in recording a stop when it only results in a conversation taking place. This rule will inhibit officers from seeking information."

Mike Best, editor of Britain's leading black newspaper, The Voice, said that while most people would prefer not to be stopped and searched, increasing crime warrants it. The majority of people who have nothing to hide will not mind it very much, he told the BBC. Concerns that many blacks have about the practice were outweighed, said Best, by figures showing shootings at an all-time high in London.

Conservative politicians last month launched a plan that would bring community policing to England. Under the initiative, individual officers throughout the country would be assigned to communities and focus constantly on reducing crime along their beats, said shadow home secretary Oliver Letwin.

"Neighborhood policing can only be restored to its rightful position through fundamental reforms that transform the police service from top to bottom," said Letwin. "What I am proposing is the biggest change to policing since the

foundation of the police service by Robert Peel. It is still the case that failure to deal with minor crimes will create the conditions from which major crimes arise."

Letwin met with former New York City police commissioner William Bratton to discuss Compstat and other strategies that have contributed to New York's dramatic decline in crime over the past 10 years. "It is American cities that have shown, over the past decade, how a true combination of conventional police and neighborhood policing can be used to crack crime," Letwin said.

In Lambeth, one of London's most notorious neighborhoods, a controversial drug policy was credited last month for cutting street crime there by 35 percent and burglaries by 8 percent, compared to the same period in 2001.

The results have been a vindication for police Comdr. Brian Paddick, who decided last year that officers would not arrest marijuana users in order to pursue heroin and crack cocaine dealers.

According to figures from the Metropolitan Police, drug arrests rose by more than 65 percent during the past year. Moreover, some 2,500 man-hours were saved by eliminating the paper-

work involved in marijuana arrests. A Scotland Yard evaluation of the initiative expected this spring will be pivotal in Blunkett's decision to downgrade marijuana to a Class C drug, with possession a non-arrestable offense.

But continued progress may have to take place without Paddick. The department's highest-ranking gay officer, Paddick was suspended from operational duties and transferred to an administrative post at Scotland Yard pending an investigation into allegations that he allowed his home to be used for pot smoking.

Meanwhile, more than 10,000 police officers from across the United Kingdom turned out in March for a peaceful demonstration to protest pay reforms proposed by Blunkett. The plan would reduce overtime, but provide an across-the-board pay increase and improved mobility up to top pay scales. There would also be discretionary bonus payments for "competent" officers.

Two weeks earlier, members of the Police Federation voted 10-to-1 against the pay reform initiative. They also opposed a provision of the plan that would create civilian community support officers with authority to detain suspects.

## Forum: A model of collaboration

**Continued from Page 9**

violence as it is relevant for their work. They meet four times a year in an ongoing training program. In what is clearly a work in progress, McKinley County is developing and expanding the traditional peacemaking model, reconciling traditional interventions with contemporary law and the contemporary needs of the community.

Cecilia Nez has been a peacemaker for many years in the Crownpoint Peacemaker Court, and is president of the Eastern Navajo Peacemaker Organization there. In Crownpoint, she is used to conducting peacemaking in a single session, which might well be a full-day affair. Disputants and relevant family and clan members might all be present, each contributing their understanding of the problem in an attempt to resolve it. It can be a powerful experience for those involved.

In McKinley County, on the other hand, peacemakers work with domestic violence partners in 10 to 12 meetings over a three- to four-month period, in contrast to the single peacemaking session that characterizes the Navajo approach. They also work one-on-one over the course of a number of meetings, allowing each partner time to address his or her own issues privately. Males work with a male peacemaker and females with a female. This is followed by a general peacemaking session that includes the couple, relevant family members and both peacemakers. Nez finds the opportunity to do more long-term and individual work worthwhile and wonders how she might incorporate this into her work in the Eastern District.

Nez is comfortable with both models since each provides individuals with an opportunity to find a solution to their problems and "to live well again." She also agrees with expanding the program beyond the Navajo communities she is accustomed to, since "family values are still within everyone's culture." Noted

one of the peacemakers: "Although this began with Navajo families, we now focus on everyone who lives in Gallup — Zuni, white, Spanish, Palestinian. This is really a volunteer job. You have to be dedicated."

The program is not trouble-free. Funding for the year, provided through a grant from the New Mexico state government, is \$25,000. Last year, the funding ran out two months early and peacemakers volunteered their time to finish cases they had started. No new cases could be taken on and incarceration became the back-up solution. There is no guarantee that funding will be continued. Complicating matters is the fact that while the program serves a Navajo population, the program is ineligible for various funding opportunities for Native American criminal justice projects since it is run by a state agency. This probably will not deter the sheriff. If necessary, Gonzales said, "we will use our own staff for peacemaking if we lose funding."

The collaboration between the sheriff's department and the Navajo peacemakers appears to be enabling both to move in new directions: traditional peacemakers who incorporate as nonprofits to function more easily within the grants-based world of contemporary criminal justice; peacemaking that extends over many meetings and focuses on both individuals and families, Navajos and non-Navajos; law enforcement that stretches from the courtroom to peacemaker's room, or even to the sweat lodge or to the jailhouse when necessary. It is justice which is neither a melting pot nor a cultural straitjacket. It crosses borders purposefully and to the benefit of the diverse communities served. The ongoing collaboration across otherwise inaccessible borders, as peacemakers bring their models back and forth between the communities they serve, will result in each community being enriched and transformed in the process.

## Headlines are not enough



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**Law Enforcement News**

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# The search for meaning in traffic-stop data

Continued from Page 1

firm two years ago found that the average age of minority drivers was lower than for white drivers. But the age variable in the current research is poorly measured, thus limiting its usefulness, said the authors.

Yet even controlling for both age and sex, drivers identified as African American were 64 percent more likely to be categorized as a speeder than white drivers researchers found. Drivers younger than 45 were more than three times as likely to speed, and men were more likely to exceed the speed limit than women, but only by 20 percent.

A hypothesis posed by the authors was that blacks traveling along the southern and central segments of the turnpike are likely driving greater distances than whites. "Although traveling at speeds greater than 15 miles per hour above the posted limit is rare for both black and white drivers, it is important to look for clues about why black drivers are more likely than white drivers to travel at high speeds in 65-miles per hour zones," said the study.

#### "As We Were Saying..."

Immediately embracing the findings, the state troopers' union urged the Justice Department to release the report.

At a news conference in March, Kenneth J. McIlvilland, president of the State Troopers Fraternal Association, said: "The Justice Department does not want this study out there, because it flies in the face of everything they said about profiling. And it proves what we said, that the vast majority of troopers were stopping people because of the way they drove, not because of their race."

A Justice Department spokesperson told Law Enforcement News that the agency had no comment on the matter. In 1999, the state of New Jersey entered into a consent decree with DOJ that brought the policies of the state

police under review and installed a federal monitor. A similar agreement was reached between DOJ and the Los Angeles Police Department in the wake of the Rampart Division corruption scandal. There too, data collection on racial profiling is one of the requirements.

Letters from Mark Posner, an attorney with the Justice Department's special litigation section, to New Jersey Attorney General David Samson's office stated that with "significant unanswered questions" about the survey's methodology, "...we strongly believe that the state should not now finalize the survey report." He added, "...it may well be that the results reported in the draft report are wrong or unreliable."

Among the key issues raised was the lack of unanimity in the evaluators' determinations of race. With only three racial categories and two for ethnicity, Posner wrote, the odds were in favor of two of the three raters agreeing regardless of the reliability of the determination. Further analysis was needed to determine whether the outcome was the same when using only data in cases where all three individuals agreed.

"The underlying data should be provided in order to understand and evaluate the "unanimity" analysis," Posner said. "These data should include the number of unanimous identifications and the number of 'two-thirds' identifications, among the cases previously identified as 'reliable.'"

Posner was also concerned that such factors as windshield glare, weather conditions and night-time shadows could have made driver identification difficult. Nearly one-third of the data was unusable or unreliable.

#### To Be Determined

The Justice Department wanted an additional analysis of speeders and non-speeders using a fifth category that included the groups whose racial or ethnic identity could not be determined.

Moreover, said Posner's letter, the department wanted a calculation of the potential impact of this group on the survey by first assuming that all of the drivers were black, then assuming they were all white.

According to the state, the research firm did do a further analysis using only the data on which raters were unanimous. The racial breakdown in the second test was virtually identical to that found in the first, the firm said.

"All these strengths and weaknesses, caveats and the like raise the key issue underlying this whole debate regarding the analysis [and] interpretation of police-citizen contact data: 'What are our standards or expectations for these data?'" said Laurie Fridell, senior researcher for the Police Executive Research Forum and primary author of PERF's study of race-based policing. [See LEN, July/August 2001.]

#### Good, But Far From Perfect

"If someone is looking for the perfect social science method, I fear they will be sorely disappointed," she said in an interview with LEN. "I have reviewed a two-foot-high stack of reports on data-collection efforts from around the nation. The PIRE method for benchmarking is certainly in the top 1 percent, while it is certainly far from perfect."

In a number of cities, data are collected but are either not analyzed at all, or are not analyzed to the point where the numbers can tell officials anything about whether or not police are basing traffic stops on race.

"We're really not able to say from the data we have, 'There is racial profiling,' or 'There is not racial profiling,'" said Dan Cohen-Vogel, one of the authors of a report studying traffic stops made by 44 police agencies throughout Tennessee.

The report compares traffic stops with Census figures on a county's or

city's population. Using such a comparison, Cohen-Vogel told The Chattanooga Times-Free Press, "provides an incomplete and potentially misleading picture."

Moreover, he said, the figures do not take into account groups that do not necessarily have the same racial mix as residents in the area in which they are driving, including commuters, tourists and college students.

Since last Nov. 1, when the LAPD began producing 18,000 forms a week documenting each traffic and pedestrian stop, a backlog of 150,000 to 200,000 forms has accumulated, officials said in March. Officers, who have been given repeated instructions on how to fill out the one-page forms, continue to have problems with them, with an error rate that ranges from 17 percent to 37 percent from week to week.

#### Meaningless Compliance

"Although we're in technical compliance with the consent decree by collecting data, it's meaningless compliance," said City Councilman Jack Weiss, who serves on the Public Safety Committee, "because we don't have a methodologically sound way of analyzing the data...It's almost nonsensical."

In Seattle, the City Council's only black member, Richard McIver, suggested last month that instead of spending \$225,000 on data collection, as proposed by a task force, the money should be used to put more video cameras in police cruisers. A pilot program has already put 16 cameras in cars; outfitting the entire police fleet would cost at least \$3 million.

The city hired Howard Greenwald, a professor of management and policy at the University of Southern California, to work with the 14-member task force, which was created in 2000 and includes a public defender, a prosecutor, an assistant U.S. attorney, an ex-Seattle officer and religious and community representatives.

Greenwald oversaw the data-collection program in Sacramento, Calif., which was considered one of the most comprehensive in the nation when implemented two years ago. A report authored by Greenwald after the program's first year drew fire from the ACLU and the local media, which criticized as "narrow and misleading" the report's assertion that much of what was considered profiling was actually good policing.

Basing his conclusions on the records of 36,854 vehicle stops between July 1, 2000, and June 30, 2001, Greenwald wrote that while African-American drivers are stopped more frequently than white motorists, racial bias alone was not the explanation. Blacks are more often described as suspects by citizens, he said, and those officers with cameras in their cars were found to stop minority motorists more often than did officers without cameras.

The study also found that white of-

ficers were no more likely to stop black drivers than were black or Hispanic officers. During the early morning, late afternoon and nighttime hours, the study said, officers are frequently unable to determine the race of the driver prior to making the stop.

Seattle officials, however, contend that data collection will at least give them some information and may show a pattern.

"You look at the data and then follow through and make changes in police practices," said Pat Champion, a co-chairwoman of the task force. "It's what we do with the information that's important."

#### Expectations Exceed Reality

According to PERF's Fridell, expectations on the part of law enforcement, citizens and policy makers continue to exceed the "reality of what these data can tell us."

In New Jersey, civil rights advocates and attorneys said that the findings of the PIRE report do not obscure the fact that the state acknowledged racial profiling as a tactic taught by the state police for years.

"This study changes nothing," the Rev. Reginald T. Jackson, executive director of the Black Ministers Council of New Jersey, told The New York Times. "While we do not know the accuracy or the credibility of this research, we do know that the state acknowledged there was profiling and that internal documents show troopers were trained to target blacks and Hispanics. We know for a fact that troopers lied about people they stopped and that minorities make up 30 percent of the drivers and 73 percent of those stopped and searched."

Police records show that during the 1990s, black and Hispanic motorists made up just 30 percent of drivers stopped on the turnpike, but were subjected to more than 80 percent of searches.

"There is so much out there that no one can credibly deny that racial profiling is a reality," said William H. Buckman, a lawyer who won the case in New Jersey in which a judge acknowledged the existence of racial profiling.

The results of the PIRE study are relevant to New Jersey's analysis of the data to discern whether racial profiling is going on, said Fridell, but they are "hardly compelling." The most incriminating information culled from the original data, she told LEN, was the extent to which blacks were disproportionately searched.

Fridell said she did not think that there was a major finding that blacks violated traffic laws more than whites. "Instead, we have the specific finding that on specific areas of the New Jersey Turnpike, during certain periods of time, when the speed limit is 65 m.p.h., of the few folks who are speeding, blacks are overrepresented."

## Longer days (but fewer of them) for LAPD patrol force

Continued from Page 1

patrol division. It did help them, however, to retain and recruit personnel, the study said.

According to a survey of officers who quit the LAPD in 1996, 41 percent said the availability of a more flexible schedule offered by other departments was a factor in their decision to resign.

A three-day schedule is used by Illinois law-enforcement agencies in Mundelein, Streamwood, Vernon Hills, Bartlett and Roselle. In Des Plaines, where the city's police contract is due to expire on April 30, such a schedule is being considered by union representatives and municipal officials.

"Twelve hours is very, very long," Det. Greg Mall, president of the Metropolitan Alliance of Police, told The Chicago Daily Herald. "I'm really concerned with the safety issue. When you're talking about officer safety, that's your No. 1 priority."

Albuquerque, N.M., Police Chief Gil Gallegos, a former national president of the Fraternal Order of Police, is thinking of doing away with his department's popular four-day, 10-hour schedule. An adjustment to the sched-

ule would give the city more coverage in the midst of an officer shortage.

"I don't think the four 10s, the way they're structured now, is necessarily the best," Gallegos told The Albuquerque Tribune, but added that there has as yet been no serious discussion about it. "We're trying to address the budget situation first," the chief said.

The agency is approximately \$6 million in the red, according to Mayor Martin Chavez's figures.

It is unclear whether the schedule will reduce overtime in Los Angeles, said the report by Police Management Advisors, which noted that it "appears to be largely dependent on the ability of the department to avoid increases in off-duty court time."

George Sullivan, a consultant, found that the mixed schedule will call for the deployment of an additional 58 officers. Implementing only a four-day shift would cost nearly \$16 million a year. A three-day shift would cost less than half that, about \$7 million. The least expensive option is a combination of the two, which will cost \$4.4 million. There is no one-size-fits-all solution, however.

"Each area, in some ways, is like a

small to mid-size city," Sullivan told the City Council's Public Safety Committee in February. "[The scheduling] has to be tailored to the needs of that specific community."

The study also recommended that officers be scheduled on a three-month basis instead of every 28 days, so that conflicts over missed court appointments could be resolved. More supervisors will also be needed per shift, the study said, because of the increased number of officers on duty during certain times of the day.

Critics, however, said that Hahn's office should issue a projection of savings based on the current plan and not on the 1995 plan. "One of the things the mayor said is in order for this compressed work schedule to be implemented, it had to be cost-neutral. This does not sound cost-neutral," said Councilman Mark Ridley-Thomas, one of three council members who voted against the flexible hours.

Councilwoman Cindy Misekowsky, chairwoman of the Public Safety Committee, said she did not think the projected costs were overwhelming considering the LAPD's budget of \$1.3 billion.

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## Making things add up:

NJ study points up the problems of interpreting traffic-stop data. **Story, Page 1.**

Can the LAPD make 3x12 plus 4x10 equal adequate patrol coverage? **See Page 1.**



## Also in this issue:

Why does crime continue to drop in some cities? **See Page 7.**

Madison's anti-drug loitering law is about to ride into the sunset. **On Page 8.**

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### What They Are Saying:

"I understand the need to be more attentive to terrorism, but people who say the FBI should no longer be in the business of chasing bank robbers don't know what they are talking about."

— North Miami Beach, Fla., Police Chief William Berger, president of the International Association of Chiefs of Police, on the proposed refocusing of the FBI's crime-fighting mission. (**Story, Page 7.**)